

## Message Text

CONFIDENTIAL

PAGE 01 STATE 127566  
ORIGIN AF-10

INFO OCT-01 ISO-00 ONY-00 SSO-00 /011 R

DRAFTED BY STF:JCONLEY:PAD

APPROVED BY STF:WLSWING

S/S-O -TMARTIN

AF - MR. MOOSE

DESIRED DISTRIBUTION

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-----037541 191129Z /13

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FM SECSTATE WASHDC

TO AMEMBASSY KINSHASA NIACT IMMEDIATE

C O N F I D E N T I A L STATE 127566

STADIS//////////

E.O. 11652: GDS

TAGS: SPOR, CG

SUBJECT: BA INCURSION: DRAFT PRESS GUIDANCE

REF: SWING/CUTLER TELECON, MAY 19

1. FOLLOWING IS UNCLEARED DRAFT PRESS GUIDANCE AWAITING  
INTER-AGENCY CLEARANCE, FOR YOUR INFORMATION ONLY.

Q. WHAT PRECISELY DID WE DO?

A. THE BELGIAN GOVERNMENT ASKED US:

-- TO PROVIDE AIRCRAFT FUEL AT KAMINA AIRFIELD, LOCATED  
130 MILES NORTH OF THE TOWN OF KOLWEZI SUFFICIENT FOR  
NEEDS OF THE OPERATION.

-- TO TRANSPORT A CERTAIN AMOUNT OF AMMUNITION OF  
BELGIAN MANUFACTURE TO KINSHASA.

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THE FRENCH GOVERNMENT ASKED US:

-- TO TRANSPORT A CERTAIN NUMBER OF PERSONNEL AND EQUIP-  
MENT FROM CORSICA TO LUBMBASHI. WE AGREED TO THESE  
REQUESTS.

Q. WHEN DID THE SUPPORT OPERATION BEGIN?

A. APPROXIMATELY NOON, MAY 18.

Q. WHAT IS THE STATUS OF AMERICAN CITIZENS IN THE AREA?

A. THE NUMBER OF AMERICANS KNOWN TO BE IN KOLWEZI NOW STANDS AT 14, INCLUDING 4 MORRISON-KNUDSEN EMPLOYEES, 8 MISSIONARIES, ONE GECAMINES EMPLOYEE (GECAMINES IS THE COPPER COMPANY), AND ONE TOURIST. THEIR STATUS IS (BRING UP TO DATE BEFORE ANNOUNCEMENT IS MADE.)

Q. CAN YOU GIVE US DETAILS ON THE BELGIAN AND FRENCH OPERATIONS?

A. NO, I CAN'T. THOSE QUESTIONS SHOULD BE ADDRESSED TO THE BELGIANS AND THE FRENCH.

Q. WELL, CAN YOU TELL US WHEN THEY REQUESTED USG SUPPORT?

A. WE RECEIVED A FORMAL REQUEST FROM THE BELGIANS WEDNESDAY, FROM THE FRENCH THURSDAY. VARIOUS CONTINGENCIES WERE DISCUSSED EARLIER.

Q. HAS CONGRESS BEEN CONSULTED CONCERNING THE U.S. INVOLVEMENT IN THIS OPERATION?

A. SENIOR ADMINISTRATION OFFICIALS HAVE DISCUSSED THIS  
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MATTER WITH THE CONGRESSIONAL LEADERSHIP.

Q. WHO HAS BEEN CONSULTED?

A. THE CONGRESSIONAL LEADERSHIP.

Q. WHAT HAS BEEN THE REACTION OF THOSE CONSULTED?

A. I DON'T HAVE ANY DETAILS ON THESE CONVERSATIONS.

Q. WERE THESE CONSULTATIONS UNDER SECTION 3 OF THE WAR POWERS RESOLUTION?

A. NO (SEE ANSWER TO NEXT QUESTION).

Q. DOES THE PRESIDENT INTEND TO SUBMIT A FORMAL REPORT TO CONGRESS, PURSUANT TO THE WAR POWERS RESOLUTION, CONCERNING THE U.S. INVOLVEMENT IN THIS OPERATION? NO? WHY NOT?

A. THE PRESIDENT DOES NOT INTEND TO SUBMIT A FORMAL REPORT TO CONGRESS UNDER SECTION 4 OF THE WAR POWERS RESOLU-

TION, SINCE U.S. INVOLVEMENT IN THE OPERATION DOES NOT FALL WITHIN THE TYPES OF ACTIVITIES TO WHICH THAT SECTION APPLIES. UNDER SECTION 4, THE PRESIDENT IS REQUIRED TO FILE A FORMAL REPORT ONLY WHERE U.S. ARMED FORCES ARE INTRODUCED INTO HOSTILITIES OR SITUATIONS WHERE IMMINENT INVOLVEMENT IN HOSTILITIES IS CLEARLY INDICATED BY THE CIRCUMSTANCES, OR WHERE U.S. ARMED FORCES EQUIPPED FOR COMBAT ARE INTRODUCED INTO A FOREIGN NATION.

IN THE SHABA OPERATION, U.S. PERSONNEL HAVE NOT ENTERED INTO THE AREA WHERE HOSTILITIES ARE TAKING PLACE, BUT HAVE REMAINED IN A SECURE AIR BASE WELL OUTSIDE THE COMBAT ZONE WHERE THERE IS NO DANGER OF HOSTILE ACTION. FURTHERMORE, THE U.S. PERSONNEL INTRODUCED INTO ZAIRE ARE AIR CREWS AND CONFIDENTIAL

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LOGISTICS PERSONNEL PROVIDING SUPPORT AND TRANSPORT SERVICES. THEREFORE SECTION 4 OF THE WAR POWERS RESOLUTION DOES NOT APPLY.

Q. BUT DOESN'T SECTION 8 (C) SPECIFICALLY SAY THAT THE ASSIGNMENT OF MEMBERS OF U.S . ARMED FORCES TO COORDINATE OR PARTICIPATE IN THE MOVEMENT OF FOREIGN MILITARY FORCES WHICH ARE ABOUT TO BE ENAGGED IN HOSTILITIES CONSTITUTES AN "INTRODUCTION" OF U.S. ARMED FORCES FOR THE PURPOSES OF THE RESOLUTION? - -

A. IT IS TRUE THAT SUCH ACTIVITIES BY U.S. MILITARY PERSONNEL CONSTITUTE AN "INTRODUCTION" OF U.S. ARMED FORCES. BUT SECTION 4 ONLY APPLIES WHEN SUCH AN "INTRODUCTION" IS OTHER U.S. FORCES INTO A SITUATION WHERE HOSTILITIES ARE IMMINENT. NEITHER IS THE CASE HERE.

THE LEGISLATIVE HISTORY OF SECTION 8(C) MAKES CLEAR THAT IT WAS INTENDED TO ENSURE THAT "SECRET, UNAUTHORIZED" INVOLVEMENT OF U.S. PERSONNEL IN COMBAT ACTIVITIES, OR IN THE SUPPORT OF SUCH ACTIVITIES IN COMBAT AREAS, WAS COVERED BY THE ACT. CONGRESS WAS SPECIFICALLY CONCERNED ABOUT U.S. ADVISORS IN INDOCHINA COMBAT ACTIVITIES. OBVIOUSLY, THESE CONCERNS DO NOT APPLY IN THE CASE OF THE SHABA OPERATIONS.

Q. WHAT ABOUT POLITICAL CONSULTATION?

A. WE INFORMED A NUMBER OF AFRICAN AND OTHER GOVERNMENTS, INCLUDING THE CURRENT AND UPCOMING PRESIDENTS OF THE ORGANIZATION OF AMERICAN UNITY, ABOUT OUR ASSISTANCE IN THE EFFORT.

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Q. WHY ARE WE DOING THIS? WHY COULDN'T THE BELGIANS AND FRENCH HAVE DONE IT ALONE?

A. WE ASSISTED THE FRENCH AND THE BELGIANS IN THE FIRST INSTANCE BECAUSE OF THE PRESENCE OF AMERICAN CITIZENS IN THE AREA AND OUT OF HUMANITARIAN CONCERN FOR OTHER FOREIGN NATIONALS. IN ADDITION, WE RESPONDED TO AN EXPLICIT REQUEST FROM THE GOVERNMENT OF ZAIRE.

Q. HAVEN'T WE REALLY BEEN ASKED TO SUPPORT OPERATIONS ULTIMATELY DESIGNED TO PROP UP THE MOBUTU GOVERNMENT?

A. WE AGREED TO SUPPORT OPERATIONS WHOSE PRIMARY PURPOSES WERE HUMANITARIAN. AND AS THE PRESIDENT HAS SAID ON NUMEROUS OCCASIONS, WE SUPPORT THE PRINCIPLES OF TERRITORIAL INTEGRITY AND NON-INTERFERENCE IN ANOTHER COUNTRY'S INTERNAL AFFAIRS.

Q. DO YOU HAVE ANY INFORMATION THAT CUBAN SOLDIERS ARE WITH THE REBELS?

A. NO. WE HAVE, AS I SAID BEFORE, HEARD SUCH REPORTS, BUT WE HAVE NO INDEPENDENT MEANS OF CONFIRMING THEM.

Q. WILL YOU CONFIRM THAT PRIMIER CASTRO MET WITH THE HEAD OF THE U.S. INTERESTS SECTION IN HAVAN THIS WEEK?

A. YES.

Q. WHAT DID THEY DISCUSS?

A. WE DO NOT REVEAL THE CONTENTS OF DIPLOMATIC EXCHANGES.

Q. DID THE 82ND AIRBORNE PARTICIPATE IN THIS OPERATION?

A. NO. NO U.S. COMBAT PERSONNEL WERE INVOLVED.

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PAGE 01 STATE 127566  
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INFO OCT-01 ISO-00 AF-10 /023 R

66011  
DRAFTED BY EUR/WE/SPAIN:ARTHUR HUGHES  
APPROVED BY STF:WLSWING  
-----052186 200227Z /62  
O 200120Z MAY 78  
FM SECSTATE WASHDC  
TO AMEMBASSY MADRID IMMEDIATE

C O N F I D E N T I A L STATE 127566

STADIS"//////////

FOL RPT STATE 127566 SENT ACTION KINSHASA DTD 19 MAY 78

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## Message Attributes

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**Channel Indicators:** n/a  
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**Draft Date:** 19 may 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
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**TAGS:** SOPN, MOPS, AEMR, CG  
**To:** KINSHASA  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014